

EVENT VIOLATION
INSPECTOR'S STATEMENT
MINERALS REGULATORY PROGRAM

Company/Mine: Western Utah Copper Corp
 Permit #: M/001/067

CO # MC-2005-04-02
 Violation # 1 of 1

SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input checked="" type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input type="checkbox"/> | j. | Other. |

Explanation: The operator mined outside five acre area without prior approval or an approved Large Mine Permit.

2. Has the event or damage occurred? Yes
 If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The operator expanded his disturbance to 7.3 acres.

3. Did any damage occur as a result of the violation? yes

4.

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: The area disturbed outside their permitted area under the Small Mine permit was driven over by heavy equipment and the vegetation was damaged. The topsoil was compacted but not harmed.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: Lack of reasonable care. However, the operator was not negligent due to his failing to understand what he felt was disturbed..

- ☒ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: The operator had regraded the site adjacent to his disturbance to bring the site below 5 acres on June 20th, four days before the Cessation Order was issued. He was totally unaware that he was out of compliance and had argued the GPS data against his own survey and felt that something was wrong with our data. When we pointed out why we felt he had exceeded 5 acres, he then understood what we were counting as disturbance and immediated regraded the area.

- ☐ Was the operator in violation of a specific permit condition?

Explanation: _____

- ☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

Was any economic benefit gained by the operator for failure to comply? _____

If yes explain.

Explanation: _____

Event Violation Inspector's Statement

NOV/CO # MC-2005-04-02
Violation # 1 of 1

GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The violation was sent out on June 24, 2005 and amended on June 30, 2005 due to an improper permit number. The regrading of the area adjacent to the disturbance to bring the permit below five acres was completed early week of June 27. A bond was posted for \$60,000 by July 8, 2005 bringing the total bond for the 7 acre site to \$70,000.


2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: Yes, the operator did have the equipment onsite to complete the reclamation and did so immediately

3. Was the submission of plans prior to physical activity required by this NOV / CO? If yes, explain.

Explanation:

Tom Munson
Authorized Representative


Signature

7/ 19/ 2005
Date

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